

# Senate, No. 2370

[Senate, April 8, 2010 – Substituted by amendment by the Senate (Ways and Means) for Senate, No. 2360, printed as amended]



## The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

### **AN ACT** MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS AND IMPROVE THE FISCAL STABILITY OF THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make appropriations for the fiscal year ending June 30, 2010, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled,*

*And by the authority of the same, as follows:*

- 1           **SECTION 1.** To provide for supplementing certain items in the general appropriation
- 2   act and other appropriation acts for fiscal year 2010, the sums set forth in section 2 are hereby
- 3   appropriated from the General Fund unless specifically designated otherwise in this act or in

4 said appropriation acts, for the several purposes and subject to the conditions specified in this  
5 act or in said appropriation acts and subject to laws regulating the disbursement of public funds  
6 for the fiscal year ending June 30, 2010. The sums in said section 2 shall be in addition to any  
7 amounts previously appropriated and made available for the purposes of those items.

8 **SECTION 2.**

**TREASURER AND RECEIVER GENERAL**

*Office of the Treasurer and Receiver General*

9 0612-0105 .....\$200,000

**SECRETARY OF THE COMMONWEALTH**

*Office of the Secretary of the Commonwealth*

10 0521-0000 .....\$257,041

**OFFICE OF THE STATE COMPTROLLER**

*Reserves*

11 1599-3384 .....\$2,500,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Department of Veterans' Services*

12 1410-0400 .....\$2,113,000

*Division of Medical Assistance*

13 4000-0600 .....\$107,107,510

14 4000-0700 .....\$92,829,490

*Department of Public Health*

15 4513-1020 .....\$2,000,000

## EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

### *Department of Workforce Development*

16    7003-0701    ..... \$5,000,000

## EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

### *Office of the Secretary*

17    7004-0101    ..... \$18,226,110

## EXECUTIVE OFFICE OF EDUCATION

### *Department of Higher Education*

18    7070-0065    ..... \$996,753

## EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

### *Department of Correction*

19    8900-0001    ..... \$4,000,000

20            **SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth,  
21 to provide for an alteration of purpose for current appropriations, and to meet certain  
22 requirements of law, the sums set forth in this section are hereby appropriated from the General  
23 Fund unless specifically designated otherwise, for the several purposes and subject to the  
24 conditions specified in this section and subject to laws regulating the disbursement of public  
25 funds for the fiscal year ending June 30, 2010. The sums shall be in addition to any amounts  
26 previously appropriated and made available for the purposes of these items

## EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

### Reserves

27	1599-1027	For a reserve for reimbursement to certain employees of the	
28		commonwealth for certain increases in health care cost-sharing	
29		expenditures.....	\$6,821,690
30	1599-1980	For a reserve for collective bargaining agreements ratified by	
31		employee organizations during fiscal year 2010; provided, that the	
32		secretary of administration and finance may transfer funds from	
33		this item to other items to implement ratified agreements and shall	
34		notify the house and senate committees on ways and means in	
35		writing within 30 days after any such transfer; and provided	
36		further, that a transfer from this item to implement a ratified	
37		agreement shall constitute approval of that agreement under	
38		section 7 of chapter 150E of the General Laws without further	
39		action by the general court .....	\$125,000
40	1599-4281	For a reserve to meet the fiscal year 2010 costs of salary	
41		adjustments and other economic benefits authorized by the	
42		collective bargaining agreement between the Commonwealth of	
43		Massachusetts and the National Association of Government	
44		Employees, and to meet the fiscal year 2010 costs of salary	
45		adjustments and other economic benefits necessary to provide	
46		equal adjustments and benefits to employees employed in	

47 confidential positions which otherwise would be covered by that  
48 agreement; provided, that the personnel administrator, with the  
49 approval of the secretary of administration and finance, shall  
50 determine these adjustments and benefits for the confidential  
51 employees in accordance with the collective bargaining agreement  
52 then in effect which otherwise would cover these positions; and  
53 provided further, the secretary may transfer from the sum  
54 appropriated in this item to other items of appropriation and  
55 allocation thereof for fiscal year 2010 amounts that are necessary  
56 to meet these costs where amounts otherwise available are  
57 insufficient for the purpose, in accordance with a transfer plan  
58 which shall be filed in advance with the house and senate  
59 committees on ways and means .....\$25,810

60 1599-4282 For a reserve to meet the fiscal year 2010 costs of salary  
61 adjustments and other economic benefits authorized by the  
62 collective bargaining agreement between the Commonwealth of  
63 Massachusetts and the Service Employees International Union,  
64 Local 509, and to meet the fiscal year 2010 costs of salary  
65 adjustments and other economic benefits necessary to provide  
66 equal adjustments and benefits to employees employed in  
67 confidential positions which otherwise would be covered by that  
68 agreement; provided, that the personnel administrator, with the  
69 approval of the secretary of administration and finance, shall

70 determine these adjustments and benefits for the confidential  
71 employees in accordance with the collective bargaining agreement  
72 then in effect which otherwise would cover these positions; and  
73 provided further, the secretary may transfer from the sum  
74 appropriated in this item to other items of appropriation and  
75 allocation thereof for fiscal year 2010 amounts that are necessary  
76 to meet these costs where amounts otherwise available are  
77 insufficient for the purpose, in accordance with a transfer plan  
78 which shall be filed in advance with the house and senate  
79 committees on ways and means .....\$1,912,542

80 1599-4283 For a reserve to meet the fiscal year 2010 costs of salary  
81 adjustments and other economic benefits authorized by the  
82 collective bargaining agreement between the Commonwealth of  
83 Massachusetts and the American Association of Federal, State,  
84 County and Municipal Employees, Council 93, and to meet the  
85 fiscal year 2010 costs of salary adjustments and other economic  
86 benefits necessary to provide equal adjustments and benefits to  
87 employees employed in confidential positions which otherwise  
88 would be covered by that agreement; provided, that the personnel  
89 administrator, with the approval of the secretary of administration  
90 and finance, shall determine these adjustments and benefits for the  
91 confidential employees in accordance with the collective  
92 bargaining agreement then in effect which otherwise would cover

93                   these positions; and provided further, the secretary may transfer  
94                   from the sum appropriated in this item to other items of  
95                   appropriation and allocation thereof for fiscal year 2010 amounts  
96                   that are necessary to meet these costs where amounts otherwise  
97                   available are insufficient for the purpose, in accordance with a  
98                   transfer plan which shall be filed in advance with the house and  
99                   senate committees on ways and means .....\$21,137

**SECRETARY OF THE COMMONWEALTH**

*Office of the Secretary of the Commonwealth*

100    0521-0010   For reimbursements to municipalities for costs associated with the  
101                   statewide election to fill the United States Senate seat on January  
102                   19, 2010; provided, that the Secretary of State shall only  
103                   reimburse the municipalities for costs that have previously been  
104                   certified by the Division of Local Mandates within the Office of  
105                   the State Auditor, and provided further that any unexpended funds  
106                   from this item shall be made available in fiscal year 2011 .....\$6,340,941

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

*Military Division*

107               8700-0001 For the military division for reimbursement for costs associated with flood  
108    damage control in March and April, 2010; provided, that any unexpended funds shall revert to  
109    the General  
110    Fund.....\$930,000

## LEGISLATURE

### *Senate*

111 9510-0000 For expenses incurred by the senate related to the joint committee on  
112 redistricting, prior appropriation continued .....\$350,000

### 113 *House of Representatives*

114 9610-0000 For expenses incurred by the house of representatives related to the  
115 joint committee on redistricting, prior appropriation continued .....\$350,000

116 **SECTION 3.** Section 178Q of chapter 6 of the General Laws, as appearing in the 2008  
117 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words “by the sex  
118 offender registry board and shall be transmitted to the treasurer for deposit into the General  
119 Fund” and inserting in place thereof the following words: - and retained by the sex offender  
120 registry board.

121 **SECTION 4.** Chapter 7 of the General Laws is hereby amended by inserting after  
122 section 38O the following section:-

123 Section 38P. (a) For the purposes of this section the following words shall have the  
124 following meanings unless the context clearly requires otherwise:

125 “Agency”, the Massachusetts Department of Transportation, the Massachusetts Port Authority  
126 and the Massachusetts Bay Transportation Authority.



127 “Architectural and engineering services”, (i) professional services of an architectural or  
128 engineering nature, as defined by state law, which are required to be performed or approved by  
129 a person licensed, registered or certified to provide those services as described herein; (ii)  
130 professional services of an architectural or engineering nature performed by contract that are  
131 associated with research planning, development, design, investigations, inspections, tests,  
132 evaluations, consultations, program management, value engineering, construction, alteration or  
133 repair of real property; and (iii) such other professional services of an architectural or  
134 engineering nature, or incidental services, which members of the architectural and engineering  
135 professions and individuals in their employ may logically or justifiably perform, including  
136 studies, investigations, surveying and mapping, soil tests, construction phase services, drawing  
137 reviews, evaluations, consultations, comprehensive planning, program management, conceptual  
138 designs, plans and specifications, soils engineering, cost estimates or programs, preparation of  
139 drawings, plans or specifications, supervision or administration of a construction contract,  
140 construction management or scheduling, preparation of operation and maintenance manuals and  
141 other related services.

142 “Firm”, an individual, firm, partnership, corporation, association or other legal entity authorized  
143 by law to practice the professions of architecture, engineering, land surveying, landscape  
144 architecture, environmental science, planning or program management.

145 “Public works project”, a capital improvement project or a design, study, plan, survey or new or  
146 existing program activity of an agency, including the development of new or existing programs  
147 that require architectural, engineering or related professional services, but shall not include a  
148 public building construction project undertaken under chapters 7, 149 and 149A.

149 “Related professional services”, (i) professional services, including land surveying, landscape  
150 architecture, environmental science and planning, which are required to be performed or  
151 approved by a person licensed, registered or certified to provide such services as described  
152 herein; (ii) professional services performed by contract that are associated with research,  
153 planning, development, design, investigations, inspections, surveying and mapping, tests,  
154 evaluations, consultations, comprehensive planning program management, value engineering,  
155 construction, alteration or repair of real property; and (iii) such other professional services, or  
156 incidental services, which members of the related professions as described herein and  
157 individuals in their employ may logically or justifiably perform, including master plans, studies,  
158 surveys, soil tests, cost estimates or programs, preparation of drawings, plans or specifications,  
159 supervision or administration of a construction contract, construction management or  
160 scheduling, conceptual designs, plans and specifications, construction phase services, soils  
161 engineering, drawing reviews, cost estimating, preparation of operation and maintenance  
162 manuals and other related services; provided, however, that nothing herein shall be construed to  
163 constitute a regulation or oversight of any designated firms or identified professionals' services.

164 (b) For those agencies that prequalify architectural, engineering and related services, the  
165 agency shall require firms engaged in the lawful practice of their profession to submit a  
166 statement of qualifications and performance data every 2 years to the agency pursuant to the  
167 terms and schedule as determined by the agency. Agencies that prequalify shall have the option  
168 of selecting firms from their prequalified list of firms based on the agency policies and without  
169 further publically advertising the selection.

170 (c) Whenever a public works project requiring architectural, engineering or related professional  
171 services is to be advertised by an agency, the agency shall provide not less than 14 days advance  
172 notice published in a professional services bulletin or advertised on the official agency website  
173 setting forth the public works project and services to be procured. The professional services  
174 bulletin shall be made available to each firm that requests the information. The professional  
175 services bulletin shall include a description of each public works project and shall state the time  
176 and place for an interested firm to submit a statement of qualifications and, if required by the  
177 public notice, a letter of interest and technical proposal. If the agency determines that a sole  
178 source selection of a qualified firm is in the best interest of the agency, then the public notice  
179 provisions of this subsection shall not apply.

180 (d) An agency shall evaluate the firms submitting statements of qualifications, taking into  
181 account qualifications, letters of interest and technical proposals, and the agency may consider,  
182 but shall not be limited to considering, ability of professional personnel, past record and  
183 experience, performance data on file, willingness to meet time requirements, location, workload  
184 of the firm and any other qualifications based on factors that the agency may determine in  
185 writing are applicable. The agency may conduct discussions with, and require presentations by,  
186 firms deemed to be the most qualified regarding their qualifications, approach to the public  
187 works project and ability to furnish the required services. An agency shall not, prior to selecting  
188 a firm for negotiation, seek formal or informal submission of verbal or written estimates of costs  
189 or proposals in terms of dollars, hours required, percentage of construction cost or any other  
190 measure of compensation.

191 (e) (1) An agency shall select architects, engineers and related professional firms on the basis of  
192 qualifications for the type of professional services required, and on technical proposals, if  
193 submitted. An agency may solicit or use pricing policies and proposals or other pricing  
194 information to determine consultant compensation only after the agency has selected a firm and  
195 initiated negotiations with the selected firm.

196 (2) The procedures that an agency creates for the screening and selection of firms shall be  
197 within the sole discretion of the agency and may be adjusted to accommodate the agency's  
198 scope, schedule and budget objectives for a particular public works project.

199 (3) The decision of an agency that has complied with this chapter shall be final and binding.

200 (f) (1) The agency and the selected firm shall discuss and refine the scope of services for the  
201 public works project and shall negotiate conditions including, but not limited to, compensation  
202 level and performance schedule based on scope of services. The compensation level paid shall  
203 be reasonable and fair to the agency as determined solely by the agency. In making such  
204 determination, the agency shall take into account the estimated value of the services to be  
205 rendered and the scope, complexity and professional nature thereof.

206 (2) If the agency and the selected firm are unable for any reason to negotiate a contract at a  
207 compensation level that is reasonable and fair to the agency, the agency shall, in writing,  
208 formally terminate negotiations with the selected firm. The agency shall then negotiate with the  
209 second ranked most qualified firm. The negotiation process shall continue in this manner  
210 through successive ranked firms until an agreement is reached or the agency terminates the  
211 consultant contracting process.

212 (g) This chapter shall not apply to the procurement of architectural, engineering and related  
213 professional services by agencies: (i) when an agency determines in writing that it is in the best  
214 interest of the agency to proceed with the immediate selection of a firm; (ii) in emergencies  
215 when immediate services are necessary to protect the public health and safety; or (iii) when  
216 these services are to be provided as part of a design-build project pursuant to sections 14 to 21,  
217 inclusive, of chapter 149A.

218 (h) Each agency shall evaluate the performance of each firm upon completion of a contract.  
219 The evaluation shall be made available to the firm which may submit a written response.

220 **SECTION 5.** Section 31 of chapter 9 of the General Laws, as appearing in the 2008  
221 Official Edition, is hereby amended by striking out the fourth and fifth sentences and inserting  
222 in place thereof the following 2 sentences:- From March 15, 2003, until June 30, 2016, all  
223 surcharges on fees collected pursuant to this section shall be forwarded to the Registers  
224 Technological Fund, established in section 2JJJ of chapter 29. From July 1, 2016, all of the  
225 surcharges shall be forwarded to the General Fund as provided in section 2 of said chapter 29.

226 **SECTION 6.** Section 35T of chapter 10 of the General Laws, as so appearing, is hereby  
227 amended by inserting after the word “revenues”, in line 17, the following words:- or the  
228 inflation index.

229 **SECTION 6A.** Section 2H of chapter 29 of the General Laws, as so appearing, is  
230 hereby amended by adding the following paragraph:-

231 Notwithstanding any general or special law to the contrary, the comptroller shall file  
232 with the clerks of the senate and house of representatives not later than the fifteenth day of each

233 month a report which shall include, but not limited to, the balance in the fund on the first day of  
234 the month, any material changes in the condition of the fund and any other information which  
235 the comptroller deems appropriate for consideration by the general court. The report shall be  
236 displayed prominently on the website of the comptroller.

237         **SECTION 7.** Section 21 of chapter 30B of the General Laws is hereby repealed.

238         **SECTION 8.** Section 1 of chapter 32 of the General Laws is hereby amended by  
239 striking out the definition of “Commonwealth's pension liability”, as appearing in the 2008  
240 Official Edition, and inserting in place thereof the following definition:-

241         “Commonwealth's pension liability”, the financial obligation of the commonwealth to pay all  
242 retirement benefits pursuant to this chapter for the state employees’ retirement system, the  
243 teachers’ retirement system, for teachers employed by the city of Boston and for the  
244 commonwealth’s share of the administrative cost of the State-Boston retirement system, and to  
245 reimburse local retirement systems for cost-of-living adjustments pursuant to section 102 and  
246 including any other pension obligations of a system or of the commonwealth relative to future  
247 pension liabilities which the commonwealth may assume by general or special law on behalf of  
248 any system other than the state employees’ retirement system, the teachers’ retirement system  
249 and for teachers employed by the city of Boston, and the commonwealth’s financial obligations  
250 which are associated with cost-of-living adjustments or other benefits for members of systems  
251 other than the state employees’ retirement system and the teachers’ retirement system who are  
252 not teachers employed by the city of Boston.

253           **SECTION 9.** Said section 1 of said chapter 32 is hereby further amended by striking  
254 out, in line 134, the words “and teachers’ retirement systems” and inserting in place thereof the  
255 following words:- retirement system, the teachers’ retirement system and the State-Boston  
256 retirement system on behalf of teachers who are members of that system.

257           **SECTION 10.** Said section 1 of said chapter 32 is hereby further amended by striking  
258 out, in lines 533 to 538, inclusive, as so appearing, the words “; provided, that “teacher” shall  
259 not be deemed to include, nor shall sections one to twenty-eight inclusive apply, to any person  
260 who is a teacher in the public schools of the city of Boston, except to such a teacher who on  
261 September first, nineteen hundred and twenty-three, was employed by the city of Boston and  
262 was then a member of the teachers' retirement system”.

263           **SECTION 11.** Section 2 of said chapter 32 is hereby amended by inserting after the  
264 word “system”, in line 23, as so appearing, the following words:- except that a teacher  
265 employed by the school committee of the city of Boston shall be included in the State-Boston  
266 retirement system.

267           **SECTION 12.** Section 20 of said chapter 32 is hereby amended by inserting after the  
268 word “town”, in line 17, as so appearing, the following words:- , except the city of Boston,.

269           **SECTION 13.** Said section 20 of said chapter 32 is hereby further amended by striking  
270 out, in lines 24 to 27, inclusive, as so appearing, the words “or under the State-Boston  
271 retirement system, and the chairman or secretary of the school committee of such city or town,  
272 or the chairman or executive officer of the Boston retirement board” and inserting in place

273 thereof the following words:- and the chairman or secretary of the school committee of such  
274 city or town.

275         **SECTION 14.** Section 22 of said chapter 32 is hereby amended by inserting after the  
276 first sentence, as so appearing, the following sentence:- The State-Boston retirement system  
277 shall establish those funds to credit assets received, acquired or held attributable to non-teacher  
278 members of that system and shall also establish the funds to credit assets received, acquired or  
279 held attributable to teachers who are members of that system.

280         **SECTION 15.** Said section 22 of said chapter 32 is hereby further amended by striking  
281 out, in lines 789 and 790, as so appearing, the words “and the teachers” and inserting in place  
282 thereof the following words:-, the teachers’ retirement system and the State-Boston.

283         **SECTION 16.** Said section 22 of said chapter 32 is hereby further amended by striking  
284 out, in lines 790 and 791, as so appearing, the words “and the teachers’ retirement board” and  
285 inserting in place thereof the following words:- , the teachers’ retirement board and the State-  
286 Boston retirement system for the purpose of funding their teacher retirement benefits.

287         **SECTION 17.** Subparagraph (i) of paragraph (c) of subdivision (7) of said section 22 of  
288 said chapter 32, as so appearing, is hereby amended by inserting after the second sentence the  
289 following 3 sentences:- In addition to the foregoing, the State-Boston retirement system shall  
290 furnish to the actuary any information that the actuary requires to determine the amount payable  
291 on account of the employment of teachers in the city of Boston. The actuary shall determine the  
292 amount payable on account of the employment of such teachers and a separate amount payable  
293 as a result of the employment of all other members of the State-Boston retirement system. The



294     actuary shall specify in a written notice to the State-Boston retirement board the specific  
295     amounts payable as a result of the employment of teachers in the city of Boston and of all  
296     members of the State-Boston retirement system other than teachers.

297             **SECTION 18.** Paragraph (a) of subdivision (8) of said section 22 of said chapter 32, as  
298     so appearing, is hereby amended by striking out the last sentence and inserting in place thereof  
299     the following sentence:- The assets of the state employees' retirement system, the teachers'  
300     retirement system and the State-Boston retirement system attributable to teachers who are  
301     members of that system shall be held in the PRIT Fund.

302             **SECTION 19.** Section 23 of said chapter 32 is hereby amended by striking out  
303     subdivision (1), as so appearing, and inserting in place thereof the following subdivision:-

304     (1) (a) The funds of the state employees' retirement system and the teachers' retirement system  
305     and the assets of the State-Boston retirement system attributable to teachers who are members  
306     of that system shall be held in the PRIT Fund. The board of each such system shall annually, on  
307     or before May 1, file in the office of the commissioner on a form prescribed by the  
308     commissioner, a sworn statement of the financial condition of the system as of December 31 of  
309     the preceding year and of all the financial transactions of the system during the preceding year.  
310     The commissioner may, for cause shown, extend the time for filing any such statement.

311     (b) Notwithstanding any general or special law to the contrary, assets of the State-Boston  
312     retirement system attributable to teachers who are members of the system shall be invested in  
313     the PRIT Fund and, for purposes of those assets and the payment of benefits to those teachers  
314     and their beneficiaries, the State-Boston retirement system shall be considered a participating

315 system in the PRIT Fund, but the system shall not receive a share of any appropriations made  
316 under section 22B or under paragraph (b) of subdivision (8) of section 22, and the board of that  
317 system shall have no authority to revoke such participation.

318 **SECTION 20.** Section 41 of chapter 36 of the General Laws, as so appearing, is hereby  
319 amended by striking out the fourth and fifth sentences and inserting in place thereof the  
320 following 2 sentences:- From March 15, 2003, until June 30, 2016, all surcharges on fees  
321 collected pursuant to this section shall be forwarded to the County Registers Technological  
322 Fund established in section 2KKK of chapter 29. From July 1, 2016, all of the surcharges shall  
323 be forwarded to the General Fund as provided in section 2 of chapter 29.

324 **SECTION 21.** The first sentence of the second paragraph of section 11 of chapter 64D  
325 of the General Laws, as appearing in section 2 of chapter 61 of the acts of 2009, is hereby  
326 amended by striking out the words ", established by the secretary of administration and finance  
327 in 2009, is insufficient in any given fiscal year to satisfy the unfunded county pension liabilities  
328 and other benefit liabilities of retired employees of the sheriff's office as determined by the  
329 secretary of administration and finance in consultation with appropriate county officials and  
330 county treasurers, beginning in fiscal year 2011, the county shall retain 13.625 per cent of the  
331 taxes collected in such county and transferred to the Deeds Excise Fund" and inserting in place  
332 thereof the following words:- to fund from its own revenues in fiscal year 2009 the operation of  
333 the sheriff's office is insufficient in any fiscal year to satisfy the unfunded county pension  
334 liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined  
335 by agreement of the secretary of administration and finance, the actuary of the Public Employee  
336 Retirement Administration Commission, the retirement associations and their actuaries and the  
337 county treasurers, beginning in fiscal year 2011, the county shall retain and shall transfer to the

338 Deeds Excise Fund in which it shall be held separate and apart from all other funds and from  
339 which it may be appropriated solely for this purpose, an additional amount of the deeds excise  
340 collected in that county necessary as determined by agreement of the secretary of administration  
341 and finance, the actuary of the Public Employee Retirement Administration Commission, the  
342 retirement associations and their actuaries and the county treasurers to meet its annual  
343 retirement assessment and.

344 **SECTION 22.** Subsection (a) of section 12 of said chapter 64D, as so appearing, is  
345 hereby amended by striking out the words “the amounts deposited in the Deeds Excise Fund for  
346 each county from revenues collected pursuant to this chapter” and inserting in place thereof the  
347 following words:- that portion of the amounts deposited in the Deeds Excise Fund for each  
348 county from revenues collected pursuant to this chapter which represents 10.625 per cent of the  
349 taxes collected.

350 **SECTION 23.** Section 8A of chapter 81 of the General Laws is hereby repealed.

351 **SECTION 23A.** Chapter 85 of the General Laws is hereby amended by striking out  
352 section 7A, as amended by section 76 of chapter 25 of the acts of 2009, and inserting in place  
353 thereof the following section:-

354 Section 7A. (a) For the purposes of this section, “person” shall include surveyors of  
355 highways, road commissioners, superintendents of streets in towns, commissioners of public  
356 works in cities and towns, the chief engineer of the highway division of the Massachusetts  
357 Department of Transportation, the chief administrative officer of state agencies and private  
358 persons, including corporations.

359           (b)     No person shall store sodium chloride, calcium chloride or chemically treated  
360 abrasives or other chemicals used for the removal of snow or ice on roadways in such a manner  
361 or place as to subject a water supply or groundwater supply to the risk of contamination.

362           (c)     Any sodium chloride, calcium chloride or chemically treated abrasives or other  
363 chemicals used for the removal of snow or ice on roadways and stored within 200 hundred  
364 yards of an established river or estuary shall be stored in a solid frame storage shed to insure  
365 against ground leaching and airborne pollution of surrounding property. This subsection shall  
366 not apply to: (1) a water-dependent marine cargo facility that, on or before May 10, 1991,  
367 stored or distributed any such snow removal chemicals, is currently located at the site from  
368 which such chemicals were stored or distributed on or before May 10, 1991, such chemicals are  
369 stored or distributed with 200 yards of an established river or estuary and such river or estuary  
370 has a depth-averaged annual salinity greater than 10 parts per 1,000; or (2) a water-dependent  
371 marine cargo facility that stores or distributes any such snow removal chemicals, is located on  
372 an established river or estuary that has a depth-averaged annual salinity greater than 10 parts per  
373 1,000 and has an agreement with the municipality in which it is located providing for the best  
374 management practices.

375           (d)     The department of environmental protection, in consultation with the highway  
376 division, may issue regulations as to place or manner of storage of such chemicals and may  
377 regulate , by specific order, in a particular case the place where such chemicals may be used for  
378 such purpose. All water-dependent marine cargo facilities storing chemicals used for the  
379 removal of snow and ice on roads shall have the best management practices described in writing  
380 for inspection at the facility by the department.

381 (e) A violation of this section or a regulation or order issued hereunder shall be  
382 punished by a fine not to exceed \$50 dollars per day.

383 (f) A person who uses more than 1 ton of the chemicals described in this section in a  
384 calendar year shall report annually to the department on November 1 and at such other times as  
385 prescribed the amount of such chemicals used in the previous 12 months specified by road  
386 section or other location and the amount of chemicals on hand. Copies of such reports shall be  
387 made available upon the request of a concerned state or municipal agency or commission. The  
388 department may require studies by competent professional personnel of the probable impact of  
389 proposed new or improved highways and the maintenance thereof by use of such chemicals  
390 upon reservoirs, ponds, streams, lakes, wetlands and the groundwater aquifers associated with  
391 both public and private water sources. Estimates of such chemicals to be applied on proposed  
392 roadways and other paved areas shall be based upon the most recent records of chemicals  
393 actually applied as reported under this section.

394 **SECTION 23B.** Chapter 90 of the General Laws is hereby amended by inserting after  
395 section 32I the following section:-

396 Section 32J. (a) As used in this section, 'car-sharing organization' shall mean a  
397 membership-based entity with a distributed fleet of private passenger motor vehicles that are  
398 made available to its members primarily for hourly or other short-term use through a self-  
399 service fully automated reservation system that periodically charges a membership fee separate  
400 from a use-based fee relating to a specific vehicle; provided, however, that 'car-sharing  
401 organization' shall not include an arrangement where a separate written agreement is entered  
402 into each time a vehicle is transferred to a customer.

403 (b) Vehicles in a fleet of a car-sharing organization may display private passenger motor  
404 vehicle registration number plates issued by the registrar; provided, however, that a registered  
405 vehicle of any such organization which identifies the name of the organization by business  
406 markings thereon shall not be required to display a commercial registration plate if the markings  
407 are limited to the name, address, telephone number, logo or website address of the organization.

408 **SECTION 24.** Section 189A of chapter 111 of the General Laws, as appearing in the  
409 2008 Official Edition, is hereby amended by inserting after the definition of “Advisory  
410 committee” the following definition:-

411 “Child-occupied facility”, a building or portion thereof constructed before 1978 and visited  
412 regularly by the same child, under 6 years of age, on at least 2 different days within a week if  
413 each day’s visit lasts at least 3 hours, the combined weekly visits last at least 6 hours and the  
414 combined annual visits last at least 60 hours, including, but not limited to, day care centers,  
415 preschools and kindergarten classrooms; provided, however, that “child-occupied facilities may  
416 be located in residential premises or in public or commercial buildings.

417 **SECTION 25.** Section 197B of said chapter 111, as so appearing, is hereby amended  
418 by inserting after the word “premises”, in lines 34 and 108, each time it appears, the following  
419 words:- or child-occupied facility.

420 **SECTION 26.** Subsection (c) of said section 197B of said chapter 111, as so appearing,  
421 is hereby amended by striking out the last sentence and inserting in place thereof the following  
422 sentence:- The department shall also, in consultation with the director, adopt regulations  
423 specifying licensing requirements and safety procedures to be used by all persons employed in

424 performing renovations or rehabilitation in a residential premises or child-occupied facility in a  
425 manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

426       **SECTION 27.** Section 47D of chapter 164 of the General Laws, as so appearing, is  
427 hereby amended by striking out, in line 4, the words, “section 23B of chapter 39” and inserting  
428 in place thereof the following words:- sections 20 and 21 of chapter 30A.

429       **SECTION 28.** Chapter 258E of the General Laws is hereby amended by striking out  
430 section 2, as appearing in chapter 23 of the acts of 2010, and inserting in place thereof the  
431 following section:-

432       Section 2. Proceedings under this chapter shall be filed, heard and determined in the superior  
433 court department or the respective divisions of the district court department or the Boston  
434 municipal court department having venue over the plaintiff’s residence. The juvenile court  
435 department shall have exclusive jurisdiction of proceedings under this chapter in which the  
436 defendant is under the age of 17. Such proceedings shall be filed, heard and determined in the  
437 division of the juvenile court department having venue over the plaintiff’s residence.

438       **SECTION 29.** Said chapter 258E is hereby further amended by striking out section 8,  
439 as so appearing, and inserting in place thereof the following section:-

440       Section 8. Whenever a law officer has reason to believe that a person has been abused or  
441 harassed or is in danger of being abused or harassed, such officer shall use all reasonable means  
442 to prevent further abuse or harassment. Law officers shall make every reasonable effort to do  
443 the following as part of the emergency response:

444 (1) assess the immediate physical danger to the victim and provide assistance reasonably  
445 intended to mitigate the safety risk;

446 (2) if there is observable injury to the victim or if the victim is complaining of injury,  
447 encourage the victim to seek medical attention and arrange for medical assistance or request an  
448 ambulance for transport to a hospital;

449 (3) if a sexual assault has occurred, notify the victim that there are time-sensitive  
450 medical or forensic options that may be available, encourage the victim to seek medical  
451 attention and arrange for medical assistance or request an ambulance for transport to a hospital;

452 (4) provide the victim with referrals to local resources that may assist the victim in  
453 locating and getting to a safe place;

454 (5) provide adequate notice to the victim of the victim's rights including, but not limited  
455 to, obtaining a harassment prevention order; provided, however, that the notice shall consist of  
456 providing the victim with a copy of the following statement before the officer leaves the scene  
457 or premises and after reading the statement to the victim; provided further, that if the victim's  
458 native language is not English, the statement shall be then provided in the victim's native  
459 language whenever possible:

460 "You have the right to appear at the Superior, Juvenile (only if the attacker is under 17),  
461 District or Boston Municipal Court, if you reside within the appropriate jurisdiction, and file a  
462 complaint requesting any of the following applicable orders: (i) an order restraining your  
463 attacker from harassing or abusing you; (ii) an order directing your attacker to refrain from  
464 contacting you; (iii) an order directing your attacker to stay away from your home and your  
465 workplace; (iv) an order directing your attacker to pay you for losses suffered as a result of the



466 harassment or abuse, including loss of earnings, out-of-pocket losses for injuries sustained or  
467 property damaged, costs of replacement of locks, medical expenses, cost for obtaining an  
468 unlisted phone number, and reasonable attorneys' fees.

469 For an emergency on weekends, holidays or weeknights, the police will assist you in  
470 activating the emergency response system so that you may file a complaint and request a  
471 harassment prevention order.

472 You have the right to go to the appropriate court and apply for a criminal complaint for  
473 sexual assault, threats, criminal stalking, criminal harassment, assault and battery, assault with a  
474 deadly weapon, assault with intent to kill or other related offenses.

475 If you are in need of medical treatment, you have the right to request that an officer  
476 present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment.

477 If you believe that police protection is needed for your physical safety, you have the  
478 right to request that the officer present remain at the scene until you can leave or until your  
479 safety is otherwise ensured. You may also request that the officer assist you in locating and  
480 taking you to a safe place including, but not limited to, a designated meeting place for a shelter  
481 or a family member's or a friend's residence or a similar place of safety.

482 You may request and obtain a copy of the police incident report at no cost from the  
483 police department.”;

484 (6) assist the victim by activating the emergency judicial system when the court is  
485 closed for business;

486 (7) inform the victim that the abuser will be eligible for bail and may be promptly  
487 released; and

488 (8) arrest any person that a law officer witnessed or has probable cause to believe

489 violated a temporary or permanent vacate, restraining, stay-away or no-contact order or  
490 judgment issued under this chapter or similar protection order issued by another jurisdiction;  
491 provided, however, that if there are no vacate, restraining, stay-away or no-contact orders or  
492 judgments in effect, arresting the person shall be the preferred response if the law officer  
493 witnessed or has probable cause to believe that a person: (i) has committed a felony; (ii) has  
494 committed a misdemeanor involving harassment or abuse as defined in section 1; or (iii) has  
495 committed an assault and battery in violation of section 13A of chapter 265; provided further,  
496 that the safety of the victim shall be paramount in any decision to arrest; and provided further,  
497 that if a law officer arrests both parties, the law officer shall submit a detailed, written report in  
498 addition to an incident report, setting forth the grounds for arresting both parties.

499         No law officer shall be held liable in a civil action for personal injury or property  
500 damage brought by a party to an incident of abuse or for an arrest based on probable cause when  
501 such officer acted reasonably and in good faith and in compliance with this chapter.

502         Whenever a law officer investigates an incident of harassment, the officer shall  
503 immediately file a written incident report in accordance with the standards of the law officer's  
504 law enforcement agency and, wherever possible, in the form of the National Incident-Based  
505 Reporting System, as defined by the Federal Bureau of Investigation. The latter information  
506 may be submitted voluntarily by the local police on a monthly basis to the crime reporting unit  
507 of the state police crime reporting unit established in section 32 of chapter 22C.

508         The victim shall be provided a copy of the full incident report at no cost upon request to  
509 the appropriate law enforcement department.

510         When a judge or other person authorized to take bail bails any person arrested under this  
511 chapter, reasonable efforts shall be made to inform the victim of such release prior to or at the

512 time of the release. When any person charged with or arrested for a crime involving harassment  
513 under this chapter is released from custody, the court or the emergency response judge shall  
514 issue, upon the request of the victim, a written no-contact order or stay-away order prohibiting  
515 the person charged or arrested from having any contact with the victim and shall use all  
516 reasonable means to notify the victim immediately of release from custody. The victim shall be  
517 provided, at no cost, a certified copy of the no-contact order.

518 **SECTION 30.** Section 1 of chapter 703 of the acts of 1963 is hereby amended by  
519 striking out paragraph (h), as most recently amended by section 11 of chapter 72 of the acts of  
520 2007, and inserting in place thereof the following paragraph:-

521 (h) “State college”, a public institution of higher education listed in section 5 of chapter  
522 15A of the General Laws, but not including the University of Massachusetts and its campuses.

523 **SECTION 31.** The first sentence of section 3 of said chapter 703, as appearing in  
524 section 2 of chapter 290 of the acts of 1998, is hereby amended by adding the following words:-  
525 ; provided, however, that the Authority shall not provide housing facilities at community  
526 colleges.

527 **SECTION 31A.** Section 1 of chapter 692 of the acts of 1973 is hereby amended by  
528 striking out the words “April first, nineteen hundred and seventy-three” and inserting in place  
529 thereof the following words:- May 17, 1975.

530 **SECTION 32.** Section 25 of chapter 175 of the acts of 1998 is hereby amended by  
531 striking out the figure “2010”, inserted by section 78 of chapter 123 of the acts of 2006, and  
532 inserting in place thereof the following figure:- 2012.

533           **SECTION 33.** Section 2 of chapter 441 of the acts of 2002 is hereby amended by  
534 striking out, in lines 7 and 8, the words “for a term not to exceed 30 years” and inserting in  
535 place thereof the following words:- or its successors and assigns, for a term, including any  
536 extensions, not to exceed 60 years.

537           **SECTION 34.** Said chapter 441 is hereby further amended by adding the following  
538 section:-

539           Section 7. Notwithstanding any general or special law to the contrary, the  
540 commissioner of capital asset management and maintenance, in consultation with the adjutant  
541 general of the military division, shall permit, or may join with Massachusetts Veterans, Inc. in  
542 permitting, the Community Economic Development Assistance Corporation, the Massachusetts  
543 Housing Partnership Fund board and the commonwealth acting by and through the department  
544 of housing and community development pursuant to chapter 121D of the General Laws, by its  
545 administrator the Massachusetts Housing Finance Agency, to impose an affordable housing  
546 restriction on the property described in section 2 in conformance with the program requirements  
547 of those agencies.

548           **SECTION 35.** Section 304 of chapter 149 of the acts of 2004 is hereby amended by  
549 striking out, in line 16, the word "February" and inserting in place thereof the following word:-  
550 April.

551           **SECTION 35A.** Item 7007-0932 of section 2A of chapter 123 of the acts of 2006 is  
552 hereby amended by striking out the words “\$4,000,000 may be used for construction and  
553 equipment in the former cafeteria of the Wheatley building, and not more than \$1,000,000 may  
554 be used for start-up and operating expenses; provided further, that the funds shall not be

555 available for faculty salaries; provided further, that the funds shall be available through June 30,  
556 2010” and inserting in place thereof the following words:- \$3,700,000 may be used for  
557 construction and equipment in the former cafeteria of the Wheatley building and not more than  
558 \$1,300,000 may be used for start-up and operating expenses; provided further, that the funds  
559 shall not be available for faculty salaries; provided further, that the funds shall be available  
560 through June 30, 2011.

561 **SECTION 36.** Item 0699-0015 of section 2 of chapter 27 of the acts of 2009 is hereby  
562 amended by striking out the figure “\$1,804,013,573” and inserting in place thereof the  
563 following figure:- \$1,799,564,198.

564 **SECTION 37.** Said section 2 of said chapter 27 is hereby further amended by striking  
565 out item 0699-0016.

566 **SECTION 38.** Item 0699-2004 of said section 2 of said chapter 27 is hereby amended  
567 by striking out the figure “\$91,719,000” and inserting in place thereof the following figure:-  
568 \$82,980,442.

569 **SECTION 39.** Item 1108-5400 of said section 2 of said chapter 27 is hereby amended  
570 by striking out the figure “\$77,844,056” and inserting in place thereof the following figure:-  
571 \$76,129,566.

572 **SECTION 40.** Item 1599-1030 of said section 2 of said chapter 27 is hereby amended  
573 by striking out the figure “\$2,263,600” and inserting in place thereof the following figure:-  
574 \$963,600.

575 **SECTION 41.** Item 3000-4050 of section 2 of said chapter 27 is hereby amended by  
576 striking out the words “30 days before the transfer; and provided further, that not more than 3”

577 and inserting in place thereof the following words:- 15 days before the transfer; and, provided,  
578 further, that not more than 10.

579 **SECTION 42.** Item 3000-4060 of said section 2 of said chapter 27 is hereby amended  
580 by striking out the words “30 days before the transfer; provided further, that not more than 3”  
581 and inserting in place thereof the following words:- 15 days before the transfer; and, provided,  
582 further, that not more than 10.

583 **SECTION 43.** Item 4000-0300 of said section 2 of said chapter 27 is hereby amended  
584 by striking out the figure “\$95,375,349” and inserting in place thereof the following figure:-  
585 \$94,825,349

586 **SECTION 43A.** Item 4000-0600 of said section 2 of said chapter 27 is hereby amended  
587 by inserting after the word “consortia” the following words :- “; provided further, that the  
588 secretary of health and human services shall issue a report to the house and senate committees  
589 on ways and means not later than May 1, 2010, detailing the proposed disbursement of the  
590 \$2,500,000 appropriated herein to the pre-admission counseling and assessment program, the  
591 rationale for any delay in commencing and administering that program or for failing to  
592 commence the program and disbursing any portion of the \$2,500,000 appropriated therefor”.

593 **SECTION 43B.** Item 4000-0700 of said section 2 of said chapter 27 is hereby amended  
594 by inserting after the word “effectively” the following words:- “ and to maintain jobs and  
595 programs critical to the health of the communities they serve; provided further, that the  
596 secretary of health and human services shall disburse said \$20,000,000 not later than May 1,  
597 2010.

598

599           **SECTION 44.** Item 4590-0915 of said section 2 of said chapter 27 is hereby amended  
600 by striking out the figure “\$137,664,607” and inserting in place thereof the following figure:-  
601 \$137,314,607

602           **SECTION 45.** Item 4800-0041 of said section 2 of said chapter 27 is hereby amended  
603 by striking out the figure “\$223,569,417” and inserting in place thereof the following figure:-  
604 \$220,569,417

605           **SECTION 46.** Item 7061-9010 of said section 2 of said chapter 27 is hereby amended  
606 by striking out the figure “\$79,751,579” and inserting in place thereof the following figure:-  
607 \$75,251,579

608           **SECTION 47.** Item 8100-0006 of said section 2 of said chapter 27 is hereby amended  
609 by striking out the figure “\$19,000,000”, each time it appears, and inserting in place thereof the  
610 following figure:- \$27,500,000.

611           **SECTION 48.** Item 8900-0010 of section 2 of said chapter 27 is hereby amended by  
612 adding the following words:- ; provided, that the commissioner of correction or the  
613 commissioner’s designee shall determine the cost of manufacturing motor vehicle registration  
614 plates and certify to the comptroller the amounts to be transferred from the Commonwealth  
615 Transportation Fund to the General Fund.

616           **SECTION 49.** Item 8100-0002 of section 2B of said chapter 27 is hereby amended by  
617 striking out the figure “\$6,481,785” and inserting in place thereof the following figure:-  
618 \$20,000,000.

619           **SECTION 50.** Section 19 of chapter 61 of the acts of 2009, as amended by chapter 102  
620 of the acts of 2009, is hereby further amended by adding the following subsection:-

621 (d) Notwithstanding any general of special law to the contrary, surviving spouses of retired  
622 employees of the office of a transferred sheriff who are eligible for group insurance coverage  
623 from the county at the time of transfer shall have that eligibility and coverage transferred to the  
624 group insurance commission without restriction.

625           **SECTION 51.** Item 8000-0036 of section 2C.I of chapter 120 of the acts of 2009 is  
626 hereby amended by striking out the figure “\$3,569,361” and inserting in place thereof the  
627 following figure:- \$569,361.

628           **SECTION 52.** Section 9 of chapter 132 of the acts of 2009 is hereby amended by  
629 striking out the second paragraph and inserting in place thereof the following paragraph:-

630 The secretary of veterans’ services shall adopt rules and regulations necessary for the  
631 implementation of this section to the degree necessary to achieve maximum federal financial  
632 participation within 180 days after the effective date of this act. The request for proposals shall  
633 be issued within 90 days of such rules and regulations being adopted. The department of  
634 veterans’ services may determine that no proposals are responsive or may determine that no  
635 responsive proposals provide adequate value to the commonwealth. If the department of  
636 veterans’ services determines that no proposals are responsive or no responsive proposals  
637 provide adequate value to the commonwealth, the department shall notify the general court of  
638 the reasons for such findings in writing within 60 days of such decision. All actions relative to  
639 requests for proposals under this section shall comply with sections 52 to 55, inclusive, of  
640 chapter 7 of the General Laws.



641           **SECTION 53.** Chapter 167 of the acts of 2009 is hereby amended by striking out  
642 sections 16 to 23, inclusive, and inserting in place thereof the following 8 sections:-

643           Section 16. Notwithstanding section 2 of chapter 128C of the General Laws or any other  
644 general or special law or rule or regulation to the contrary, the greyhound meeting licensee  
645 located in Bristol county and the greyhound meeting licensee located in Suffolk county shall  
646 pay all premiums received pursuant to said section 2 of said chapter 128C to the Racing  
647 Stabilization Fund established in section 20.

648           Section 17. Notwithstanding chapter 128C of the General Laws or any other general or  
649 special law or rule or regulation to the contrary, simulcast revenues generated by the greyhound  
650 meeting licensee located in Bristol county and the greyhound meeting licensee located in  
651 Suffolk county and otherwise dedicated to purse accounts at the licensees or to be distributed to  
652 breeders' associations at guest dog tracks shall be dedicated to the Racing Stabilization Fund  
653 established in section 20.

654           Section 18. Notwithstanding chapters 128A and 128C of the General Laws or any other  
655 general or special law or rule or regulation to the contrary, amounts from unclaimed winnings  
656 and breaks generated by the greyhound meeting licensee located in Bristol county and the  
657 greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing  
658 Stabilization Fund established in section 20.

659           Section 19. Notwithstanding any general or special law or rule or regulation to the  
660 contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting  
661 licensee located in Suffolk county shall, unless otherwise provided in this act, be subject to

chapter 128A of the General Laws, chapter 128C of the General Laws and chapter 139 of the acts of 2001.

Section 20. Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the undersecretary for consumer affairs and business regulation within the executive office of housing and economic development. The fund shall consist of all revenues dedicated pursuant to this act. In fiscal year 2010, the undersecretary shall transfer from the fund an amount not less than \$300,000 to the department of public health for a compulsive gamblers' treatment program. Not more than \$300,000 may be expended to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008. The state racing commission, or a successor agency, shall report to the undersecretary, the executive office for administration and finance and the house and senate committees on ways and means not later than the last day of each month, of the projected program revenue, program expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In the event of a deficit, the undersecretary may transfer from the fund an amount not to exceed \$100,000 for the operating costs of the commission. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; provided, however, that the undersecretary shall distribute to owners and lessees of greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth; provided, however, that before any such amount is distributed, the undersecretary shall develop a method and criteria by which to

685 distribute such funds in an equitable manner among dog owners. The undersecretary shall  
686 distribute to kennel owners who housed greyhound dogs who have raced in calendar year 2009  
687 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1.5 per  
688 cent of the total amount wagered at each racing meeting licensee within the commonwealth  
689 acting as a guest track and simulcasting a live greyhound race from a host track from outside  
690 commonwealth; provided, however, that before any amount is distributed, the undersecretary  
691 shall develop a method and criteria by which to distribute such funds in an equitable manner  
692 among kennel owners; and provided further, the undersecretary shall begin payments to kennel  
693 owners in January 2010. Such payments shall be paid on a biweekly basis beginning on January  
694 4, 2010.

695         Section 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any other  
696 general or special law or rule or regulation to the contrary, on January 1, 2010, the comptroller  
697 shall transfer all monies deposited in the Greyhound Capital Improvements Trust Fund and the  
698 Greyhound Promotional Trust Fund, each established under said section 12A of said chapter  
699 494, to the Racing Stabilization Fund established in section 20. After January 1, 2010, the  
700 comptroller shall transfer any revenues deposited into the Greyhound Capital Improvements  
701 Trust Fund and the Greyhound Promotional Trust Fund into the Racing Stabilization Fund  
702 within 10 days after receipt of those revenues.

703         Section 22. Notwithstanding any general or special law to the contrary, the greyhound  
704 meeting licensee located in Bristol county and the greyhound meeting licensee located in  
705 Suffolk county shall report monthly to the state racing commission, or a successor agency, on  
706 their net and gross revenue, including an itemization of premiums received, fees received and  
707 any amounts dedicated to purse accounts, the Greyhound Capital Improvements Trust Fund and

708 the Greyhound Promotional Trust Fund. The report shall include the number of part-time and  
709 full-time staff employed by the licensees at the close of the previous month. The report shall  
710 also include the total amount of premiums paid to the harness horse meeting licensees located in  
711 Norfolk county and the running horse meeting licensee located in Suffolk county. Failure to file  
712 the report on the tenth day of each month shall be cause for suspension of the greyhound  
713 meeting license. The state racing commission, or a successor agency, shall forward all such  
714 reports to the house and senate committees on ways and means, the joint committee on  
715 economic development and emerging technologies and the joint committee on labor and  
716 workforce development. The greyhound meeting licensee located in Bristol county and the  
717 greyhound meeting licensee located in Suffolk county shall also prepare a report of all funds  
718 received and disbursed for calendar years 2008 and 2009. The report shall also be filed with the  
719 state racing commission, or a successor agency, not later than June 30, 2010, and the state  
720 racing commission shall forward the reports to the house and senate committees on ways and  
721 means, the joint committee on economic development and emerging technologies and the joint  
722 committee on labor and workforce development.

723       Section 23. Notwithstanding any general or special law, rule or regulation to the  
724 contrary, monies in the Racing Stabilization Fund established in section 20 may be used to  
725 assist efforts to secure alternative employment and retraining opportunities for displaced  
726 workers impacted by the enactment of chapter 388 of the acts of 2008 including, but not limited  
727 to, coordinating the delivery of available state and federal resources and services; provided,  
728 however, that such funds from the fund shall only be expended after all federal funds from the  
729 Workforce Investment Act and the American Reinvestment and Recovery Act have been  
730 exhausted; provided further, that state funds shall be distributed in accordance with section 20

731 provided further, that the secretary of labor and workforce development shall develop a plan to  
732 implement this section and submit a copy of the plan to the house and senate committees on  
733 ways and means, the joint committee on economic development and emerging technologies and  
734 the joint committee on labor and workforce development not later than July 31, 2010.

735 **SECTION 55.** Chapter 3 of the resolves of 2008 is hereby amended, by striking out the  
736 words “120 days after the first meeting of the commission” and inserting in place thereof the  
737 following words:- May 3, 2010.

738 **SECTION 55A.** Notwithstanding any general or special law to the contrary, the  
739 department of transitional assistance may amend its supplemental nutrition assistance program  
740 outreach plan, in this section referred to as SNAP, to include SNAP application assistance and  
741 retention activities conducted by community-based organizations or other state agencies;  
742 provided, however, that the department may maximize federal reimbursement from the United  
743 States Department of Agriculture for funds identified by community-based organizations for  
744 SNAP application assistance and retention activities, including assistance and retention  
745 activities funded through private, state or community development block grants; and provided  
746 further, that the department may provide the federal reimbursements identified for SNAP  
747 outreach efforts to state agencies and departments and community-based organizations engaged  
748 in outreach efforts and for the administrative costs incurred by an agency, department or  
749 organization in claiming the federal reimbursements or processing additional SNAP  
750 applications.

751

752           **SECTION 56.** Notwithstanding any general or special law to the contrary, the  
753 commissioner of agricultural resources shall award funds in the Greyhound Adoption Trust  
754 Fund established in section 65 of chapter 10 of the General Laws that are not obligated as of  
755 December 31, 2009, to eligible adoption and rescue organizations within the commonwealth for  
756 the care and adoption of retired greyhound track dogs that have schooled or raced at a  
757 greyhound racetrack in the commonwealth.

758           **SECTION 57.** During fiscal year 2010, appropriations or transfers may be made from  
759 the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the  
760 General Laws in anticipation of revenue.

761           **SECTION 58.** Notwithstanding any general or special law to the contrary, the  
762 comptroller shall not make the transfer of funds to the Central Artery and Statewide Road and  
763 Bridge Infrastructure Fund for fiscal year 2009 as otherwise required by section 63 of chapter  
764 10 of the General Laws, section 33 of chapter 90 of the General Laws and section 15 of chapter  
765 87 of the General Laws.

766           **SECTION 59.** Notwithstanding any general or special law to the contrary, the secretary  
767 of health and human services, with the written approval of the secretary of administration and  
768 finance, may authorize transfers from items 4000-0430, 4000-0700, 4000-0870, 4000-0875,  
769 4000-0880, 4000-0890, 4000-0895, 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of  
770 section 2 of chapter 27 of the acts of 2009 to items 4000-0500 and 4000-0600 of said section 2  
771 for the purpose of reducing any deficiency in item 4000-0500 or 4000-0600; provided, that any  
772 such transfer shall take place not later than August 31, 2010; and provided further, that the  
773 secretary of health and human services, in conjunction with the secretary of administration and

774 finance, shall notify the house and senate committees on ways and means in writing within 30  
775 days of any such transfer.

776       **SECTION 60.** Notwithstanding any general or special law to the contrary, the amount  
777 to be transferred from the Commonwealth Transportation Fund to the Massachusetts  
778 Transportation Trust Fund pursuant to section 156 of chapter 25 of the acts of 2009 shall not  
779 exceed \$132,946,908 for fiscal year 2010 unless the secretary of administration and finance  
780 requests in writing that the comptroller increase that amount based on the availability of funds  
781 in the Commonwealth Transportation Fund. The comptroller shall transfer not later than June  
782 30, 2010, the remaining balance in the Commonwealth Transportation Fund to the General Fund  
783 to cover transportation-related expenses made from the General Fund appropriations during  
784 fiscal year 2010.

785       **SECTION 61.** Notwithstanding any general or special law to the contrary, in  
786 determining the amount of assets of the State-Boston retirement system to be transferred to the  
787 Pension Reserves Investment Trust Fund, pursuant to paragraph (a) of subdivision (1) of section  
788 23 of chapter 32 of the General Laws, the initial percentage of assets attributable to teachers  
789 who are members of that system shall be that which is set forth in the actuarial valuation of the  
790 State-Boston retirement system as of January 1, 2008, and approved by the actuary. This  
791 percentage shall be applied to the total assets of the system on a market value basis and the  
792 amount attributable to teachers shall be calculated as of the end of the month preceding the date  
793 of the initial transfer of assets. If all assets attributable to teachers who are members of this  
794 system, as determined above, are not transferred in the initial transfer, the remaining amount of  
795 assets shall be determined by subtracting from the total percentage of assets to be transferred set  
796 forth in the actuarial valuation the percentage of assets previously transferred and applying that

797 percentage to the market value of the assets of the system as of the end of the month preceding  
798 the date of the subsequent transfer. Any remaining amounts to be transferred shall be  
799 determined in the same manner until the percentage is zero. The State-Boston retirement  
800 system shall report to the actuary, and the actuary shall approve the calculation made under this  
801 section at the time of each transfer. Transfer of 90 per cent of the assets attributable to teachers  
802 under this section shall be completed within 24 months after the effective date of this. Transfer  
803 of all assets attributable to teachers under this section shall be completed within 48 months after  
804 the effective date of this act unless the secretary of administration and finance authorizes a later  
805 date for the completion of the asset transfer.

806       **SECTION 61A.** Notwithstanding clause (6) of section 5 of chapter 161D of the  
807 General Laws or any other general or special law to the contrary, the Massachusetts Department  
808 of Transportation shall extend the term of the intercity bus capital assistance program vehicle  
809 lease and maintenance agreement of November 1997 for a term not to exceed 3 years.

810       **SECTION 62.** Section 6 shall apply to the comptroller's certification as required in  
811 subsection (b) of section 35T of chapter 10 of the General Laws, beginning March 1, 2010.

812       **SECTION 63.** Sections 12 and 13 shall take effect on July 1, 2010, and the final  
813 reimbursement by the commonwealth under paragraph (c) of subdivision (2) of section 20 of  
814 chapter 32 of the General Laws shall be in accordance with said paragraph (c) of said  
815 subdivision (2) of said section 20 of said chapter 32 in all respects except that the payment shall  
816 be made directly to the State-Boston retirement system and applied in accordance with the most  
817 recent funding schedule approved by the state actuary under section 22 of said chapter 32. The  
818 funds for the final reimbursement under said paragraph (c) of said subdivision (2) of said



819 section 20 of said chapter 32 shall be paid from monies transferred from the General Fund by  
820 the comptroller to the teachers' retirement system to meet the system's fiscal year 2010 pension  
821 obligation in accordance with subdivision (1) of section 22C of said chapter 32. That payment  
822 shall be a reimbursement for fiscal year 2009 city of Boston teacher pension benefits paid by the  
823 State-Boston retirement system.

824       **SECTION 64.** Section 27 shall take effect on July 1, 2010.